

## **SEX OFFENSES CONNECTICUT CRIMES CHART**

Prepared by the JLCs/AAs of the Hartford Immigration Court

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>Conn. Gen. Stat. Ann. § 53a-70. Sexual assault in the first degree: Class B or A felony</b>			
	(a) A person is guilty of sexual assault in the first degree when such person		
	(1) compels another person to engage in sexual intercourse by the use of force against such other person or a third person, or by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, or		
	(2) engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person, or		
	(3) commits sexual assault in the second degree as provided in section 53a-71 and in the commission of such offense is aided by two or more other persons actually present, or		
	(4) engages in sexual intercourse with another person and such other person is mentally incapacitated to the extent that such other person is unable to consent to such sexual intercourse.		
For Class A felony not more than twenty-five years. <i>See Conn. Gen. Stat. Ann. § 53a-35.</i>	(b) (5)		
For Class B felony not more than twenty-years. <i>See Conn. Gen. Stat. Ann. § 53a-35.</i>			

**Note:** This chart does not analyze what effect the petty offense exception may have on a conviction that is determined to be a CIMT nor whether the offense meets any minimum sentence requirement.

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Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>Conn. Gen. Stat. Ann. § 53a-70a. Aggravated sexual assault in the first degree: Class B or A felony</b>			
	(a) A person is guilty of aggravated sexual assault in the first degree when such person commits sexual assault in the first degree as provided in section 53a-70, and in the commission of such offense		
	(1) such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a deadly weapon, (2) with intent to disfigure the victim seriously and permanently, or to destroy, amputate or disable permanently a member or organ of the victim's body, such person causes such injury to such victim, (3) under circumstances evincing an extreme indifference to human life such person recklessly engages in conduct which creates a risk of death to the victim, and thereby causes serious physical injury to such victim, or (4) such person is aided by two or more other persons actually present. No person shall be convicted of sexual assault in the first degree and aggravated sexual assault in the first degree upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.		
(b)	(1) Except as provided in subdivision (2) of this subsection, aggravated sexual assault in the first degree is a class B felony. Any person found guilty under this section of a class B felony shall be sentenced to a term of imprisonment of at least ten years, five years of which may not be suspended or reduced by the court. (2) Aggravated sexual assault in the first degree is a class A felony if the victim of the offense is under sixteen years of age. Any person found guilty under this section of a class A felony shall be sentenced to a term of imprisonment of which ten years of the sentence imposed may not be suspended or reduced by the court, except that, if such person committed sexual assault in the first degree by violating subdivision (1) of subsection (a) of section 53a-70, and the victim of the offense is under sixteen years of age, twenty years of the sentence imposed may not be suspended or reduced by the court. Notwithstanding the provisions of subsection (a) of section 53a-29 and except as otherwise provided in this subsection, a court may suspend a portion of a sentence imposed under this subdivision and impose a period of probation pursuant to subsection (f) of section 53a-29, or may impose a term of imprisonment and a period of special parole pursuant to subsection (b) of section 53a-28.		
For Class B felony, not more than twenty-years. <i>See Conn. Gen. Stat. Ann. § 53a-35.</i>	(b) (5) [REDACTED]	Requires further analysis.	Requires further analysis.
For Class A felony not more than twenty-five years. <i>See Conn. Gen. Stat. Ann. § 53a-35.</i>	[REDACTED]		

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<b>Conn. Gen. Stat. Ann. § 53a-70b. Sexual assault in spousal or cohabiting relationship: Class B felony</b>			
<p>(a) For the purposes of this section:</p> <p>(1) “Sexual intercourse” means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body; and</p> <p>(2) “Use of force” means:</p> <ul style="list-style-type: none"> <li>(A) Use of a dangerous instrument; or</li> <li>(B) use of actual physical force or violence or superior physical strength against the victim.</li> </ul> <p>(b) No spouse or cohabitor shall compel the other spouse or cohabitor to engage in sexual intercourse by the use of force against such other spouse or cohabitor, or by the threat of the use of force against such other spouse or cohabitor which reasonably causes such other spouse or cohabitor to fear physical injury.</p>			
For Class B felony, not more than twenty-years. <i>See Conn. Gen. Stat. Ann. § 53a-35.</i>	(b) (5)		Requires further analysis.

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>Conn. Gen. Stat. Ann. § 53a-70c. Aggravated sexual assault of a minor: Class A felony</b>			
<p>(a) A person is guilty of aggravated sexual assault of a minor when</p> <p>such person commits a violation of subdivision (2) of subsection (a) of section 53-21 or section 53a-70, 53a-70a, 53a-71, 53a-86, 53a-87 or 53a-196a and</p> <p>the victim of such offense is under thirteen years of age, and</p> <ul style="list-style-type: none"> <li>(1) such person kidnapped or illegally restrained the victim,</li> <li>(2) such person stalked the victim,</li> <li>(3) such person used violence to commit such offense against the victim,</li> <li>(4) such person caused serious physical injury to or disfigurement of the victim,</li> <li>(5) there was more than one victim of such offense under thirteen years of age,</li> <li>(6) such person was not known to the victim, or</li> <li>(7) such person has previously been convicted of a violent sexual assault.</li> </ul> <p>(b) Aggravated sexual assault of a minor is a class A felony and any person found guilty under this section shall, for a first offense, be sentenced to a term of imprisonment, twenty-five years of which may not be suspended or reduced by the court and, for any subsequent offense, be sentenced to a term of imprisonment of fifty years which may not be suspended or reduced by the court.</p>			
For Class A felony, fifty years imprisonment. Conn. Gen. Stat. Ann. § 53a-70c.	(b) (5)		Further analysis required.

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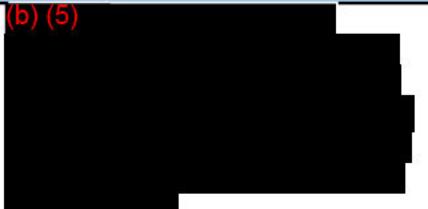
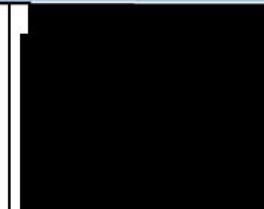
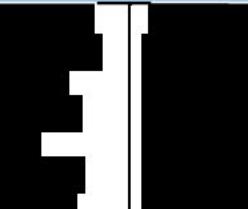
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<b>Conn. Gen. Stat. Ann. § 53a-71. Sexual assault in the second degree: Class C or B felony</b>			
(a) A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and:			
	<ul style="list-style-type: none"> <li>(1) Such other person is thirteen years of age or older but under sixteen years of age and the actor is more than three years older than such other person; or</li> <li>(2) such other person is impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual intercourse; or</li> <li>(3) such other person is physically helpless; or</li> <li>(4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; or</li> <li>(5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or</li> <li>(6) the actor is a psychotherapist and such other person is <ul style="list-style-type: none"> <li>(A) a patient of the actor and the sexual intercourse occurs during the psychotherapy session,</li> <li>(B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or</li> <li>(C) a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; or</li> </ul> </li> <li>(7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; or</li> <li>(8) the actor is a school employee and such other person is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or</li> <li>(9) the actor is a coach in an athletic activity or a person who provides intensive, ongoing instruction and such other person is a recipient of coaching or instruction from the actor and <ul style="list-style-type: none"> <li>(A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or</li> <li>(B) is under eighteen years of age; or</li> </ul> </li> <li>(10) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and such other person is under eighteen years of age; or</li> <li>(11) such other person is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.</li> </ul>		

Class B felony not more than twenty-years. Conn. Gen. Stat. Ann. § 53a-35.

(b) (5)


Class C felony not more than ten years. Conn. Gen. Stat. Ann. § 53a-35.






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Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>Conn. Gen. Stat. Ann. § 53a-72a Sexual assault in the third degree: Class D or C felony</b>			
	(a) A person is guilty of sexual assault in the third degree when such person (1) compels another person to submit to sexual contact (A) by the use of force against such other person or a third person, or (B) by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, or (2) engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in section 46b-21.		
Class D felony not more than five years. Conn. Gen. Stat. Ann. § 53a-35.	(b) (5)		
Class C felony not more than ten years. Conn. Gen. Stat. Ann. § 53a-35.			

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<b>Conn. Gen. Stat. Ann. § 53a-72b. Sexual assault in the third degree with a firearm: Class C or B felony</b>			
(a) A person is guilty of sexual assault in the third degree with a firearm when such person commits sexual assault in the third degree as provided in section 53a-72a, and in the commission of such offense, such person uses or is armed with and threatens the use of or displays or represents by such person's words or conduct that such person possesses a pistol, revolver, machine gun, rifle, shotgun or other firearm. No person shall be convicted of sexual assault in the third degree and sexual assault in the third degree with a firearm upon the same transaction but such person may be charged and prosecuted for both such offenses upon the same information.			
(b) Sexual assault in the third degree with a firearm is a class C felony or, if the victim of the offense is under sixteen years of age, a class B felony, and any person found guilty under this section shall be sentenced to a term of imprisonment of which two years of the sentence imposed may not be suspended or reduced by the court and a period of special parole pursuant to subsection (b) of section 53a-28 which together constitute a sentence of ten years.			
Class B felony not more than twenty-years. Conn. Gen. Stat. Ann. § 53a-35.	(b) (5)		
Class C felony not more than ten years. Conn. Gen. Stat. Ann. § 53a-35.			

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<b>Conn. Gen. Stat. Ann. § 53a-73a. Sexual Assault in the fourth degree: Class A misdemeanor or class D felony</b>			
(a) A person is guilty of sexual assault in the fourth degree when:			
	<ul style="list-style-type: none"> <li>(1) Such person subjects another person to sexual contact who is           <ul style="list-style-type: none"> <li>(A) under thirteen years of age and the actor is more than two years older than such other person, or</li> <li>(B) thirteen years of age or older but under fifteen years of age and the actor is more than three years older than such other person, or</li> <li>(C) mentally incapacitated or impaired because of mental disability or disease to the extent that such other person is unable to consent to such sexual contact, or</li> <li>(D) physically helpless, or</li> <li>(E) less than eighteen years old and the actor is such other person's guardian or otherwise responsible for the general supervision of such other person's welfare, or</li> <li>(F) in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; or</li> </ul> </li> <li>(2) such person subjects another person to sexual contact without such other person's consent; or</li> <li>(3) such person engages in sexual contact with an animal or dead body; or</li> <li>(4) such person is a psychotherapist and subjects another person to sexual contact who is           <ul style="list-style-type: none"> <li>(A) a patient of the actor and the sexual contact occurs during the psychotherapy session, or</li> <li>(B) a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or</li> <li>(C) a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; or</li> </ul> </li> <li>(5) such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; or</li> <li>(6) such person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor; or</li> <li>(7) such person is a coach in an athletic activity or a person who provides intensive, ongoing instruction and subjects another person to sexual contact who is a recipient of coaching or instruction from the actor and           <ul style="list-style-type: none"> <li>(A) is a secondary school student and receives such coaching or instruction in a secondary school setting, or</li> <li>(B) is under eighteen years of age; or</li> </ul> </li> <li>(8) such person subjects another person to sexual contact and           <ul style="list-style-type: none"> <li>(A) the actor is twenty years of age or older and stands in a position of power, authority or supervision over such other person by virtue of the actor's professional, legal, occupational or volunteer status and such other person's participation in a program or activity, and</li> <li>(B) such other person is under eighteen years of age; or</li> </ul> </li> <li>(9) such person subjects another person to sexual contact who is placed or receiving services under the direction of the Commissioner of Developmental Services in any public or private facility or program and the actor has supervisory or disciplinary authority over such other person.</li> </ul>		
(b) Sexual assault in the fourth degree is a class A misdemeanor or, if the victim of the offense is under sixteen years of age, a class D felony.			
Class D felony not more than five years. Conn. Gen. Stat. Ann. § 53a-35.	(b) (5)		Requires further analysis.
Class A Misdemeanor—fine not to exceed \$2,000 or imprisonment			

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not to exceed one year. Conn. Gen. Stat. Ann. § 53a-42.	(b) (5) [REDACTED]	[REDACTED]	
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Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>Conn. Gen. Stat. Ann. § 53a-82. Prostitution: Class A misdemeanor</b> (a) A person eighteen years of age or older is guilty of prostitution when such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee. (b) In any prosecution for an offense under this section, it shall be an affirmative defense that the actor was a victim of conduct by another person that constitutes (1) a violation of section 53a-192a, or (2) a criminal violation of 18 USC Chapter 77, as amended from time to time. (c) Nothing in this section shall limit a person's right to assert the defense of duress pursuant to section 53a-14 in any prosecution for an offense under this section. (d) Prostitution is a class A misdemeanor.			
Class A Misdemeanor—fine not to exceed \$2,000 or imprisonment not to exceed one year. Conn. Gen. Stat. Ann. § 53a-42.	(b) (5) [REDACTED]	[REDACTED]	[REDACTED]

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Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>Conn. Gen. Stat. Ann. § 53a-83. Patronizing a prostitute: Class A misdemeanor</b>			
<p>(a) A person is guilty of patronizing a prostitute when:</p> <ul style="list-style-type: none"> <li>(1) Pursuant to a prior understanding, such person pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with such person;</li> <li>(2) such person pays or agrees to pay a fee to another person pursuant to an understanding that in return for such fee such other person or a third person will engage in sexual conduct with such person; or</li> <li>(3) such person solicits or requests another person to engage in sexual conduct with such person in return for a fee.</li> </ul> <p>(b) Patronizing a prostitute is a class A misdemeanor and any person found guilty shall be fined two thousand dollars.</p>			

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>Conn. Gen. Stat. Ann. § 53a-83b. Commercial sexual abuse of a minor: Class B felony</b>			
<p>(a) A person is guilty of commercial sexual abuse of a minor when: (1) Such person pays a fee to a minor or third person as compensation for a minor having engaged in sexual conduct with such person; (2) such person pays or agrees to pay a fee to a minor or a third person pursuant to an understanding that in return for such fee the minor will engage in sexual conduct with such person; or (3) such person solicits or requests to engage in sexual conduct with a minor, or any other person that such person reasonably believes to be a minor, in return for a fee.</p> <p>(b) Except as provided in subsection (c) of this section, commercial sexual abuse of a minor is a class B felony.</p> <p>(c) Commercial sexual abuse of a minor is a class A felony if the minor has not attained fifteen years of age.</p> <p>(d) For purposes of this section, “minor” means a person who has not attained eighteen years of age.</p>			

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Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>Conn. Gen. Stat. Ann. § 53a-86. Promoting prostitution in the first degree: Class B felony</b> (a) A person is guilty of promoting prostitution in the first degree when he knowingly: (1) Advances prostitution by compelling a person by force or intimidation to engage in prostitution, or profits from coercive conduct by another; or (2) advances or profits from prostitution of a person less than eighteen years old. (b) Promoting prostitution in the first degree is a class B felony. Any person found guilty under subdivision (2) of subsection (a) of this section shall be sentenced to a term of imprisonment of which nine months of the sentence imposed may not be suspended or reduced by the court and shall be fined fifteen thousand dollars.			
Class B felony not more than twenty-years. Conn. Gen. Stat. Ann. § 53a-35.	(b) (5)		

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<b>Conn. Gen. Stat. Ann. § 53a-87. Promoting prostitution in the second degree: Class C felony</b>			
(a) A person is guilty of promoting prostitution in the second degree when he knowingly advances or profits from prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes. (b) Promoting prostitution in the second degree is a class C felony and any person found guilty shall be fined ten thousand dollars.			
Class C felony not more than ten years. Conn. Gen. Stat. Ann. § 53a-35.	(b) (5)		

Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<b>Conn. Gen. Stat. Ann. § 53a-88. Promoting prostitution in the third degree: Class D felony</b>			
(a) A person is guilty of promoting prostitution in the third degree when he knowingly advances or profits from prostitution. (b) Promoting prostitution in the third degree is a class D felony and any person found guilty shall be fined five thousand dollars.			
Class D felony not more than five years. Conn. Gen. Stat. Ann. § 53a-35.	(b) (5)		

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<b>Conn. Gen. Stat. Ann. § 53a-89. Permitting prostitution: Class A misdemeanor</b>			
Class A Misdemeanor— fine not to exceed \$2,000 or imprisonment not to exceed one year. Conn. Gen. Stat. Ann. § 53a-42.	(b) (5) [REDACTED]	Requires further analysis.	(b) (5) [REDACTED] [REDACTED] [REDACTED]

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<b>Conn. Gen. Stat. Ann. § 53a-90a. Enticing a minor. Penalties</b>			
(a) A person is guilty of enticing a minor when such person uses an interactive computer service to knowingly persuade, induce, entice or coerce any person <ul style="list-style-type: none"> <li>(1) under eighteen years of age, or</li> <li>(2) who the actor reasonably believes to be under eighteen years of age, to engage in prostitution or sexual activity for which the actor may be charged with a criminal offense. For purposes of this section, “interactive computer service” means any information service, system or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.</li> </ul> (b) (1) Except as provided in subdivision (2) of this subsection, enticing a minor is a class D felony for a first offense, a class C felony for a second offense and a class B felony for any subsequent offense. (2) Enticing a minor is a class B felony if the victim of the offense is under thirteen years of age and any person found guilty of such class B felony shall, for a first offense, be sentenced to a term of imprisonment of which five years of the sentence imposed may not be suspended or reduced by the court and, for any subsequent offense, be sentenced to a term of imprisonment of which ten years of the sentence imposed may not be suspended or reduced by the court.			
Class D felony not more than five years. Conn. Gen. Stat. Ann. § 53a-35.	(b) (5)		
Class B felony not more than twenty-years. Conn. Gen. Stat. Ann. § 53a-35.			
Class C felony not more than ten years. Conn. Gen. Stat. Ann. § 53a-35.			

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<b>Conn. Gen. Stat. Ann. § 53a-90b. Misrepresentation of age to entice a minor: Class C felony</b>			
<p>(a) A person is guilty of misrepresentation of age to entice a minor when such person, in the course of and in furtherance of the commission of a violation of section 53a-90a, intentionally misrepresents such person's age.</p> <p>(b) Misrepresentation of age to entice a minor is a class C felony.</p> <p>Class C felony not more than ten years. Conn. Gen. Stat. Ann. § 53a-35.</p>	(b) (5)		

## MAXIMUM SENTENCING

Unless the sentence is specifically listed in the statute itself, the following guidelines apply:

### **Juvenile Sentences**

- §18-65a. Confinement of young and teenage women
  - Imprisonment not to exceed 5 years for women between the ages of 16 and 21
- §18-73. Confinement of male children and youths
  - Imprisonment not to exceed 5 years for men between the ages of 16 and 21

### **Connecticut Violations**

- **§ 53a-27. Violation: Definition, designation**
  - (a) An offense, for which the only sentence authorized is a fine, is a violation unless expressly designated an infraction.
  - (b) Every violation defined in this chapter is expressly designated as such. Any offense defined in any other section which is not expressly designated a violation or infraction shall be deemed a violation if, notwithstanding any other express designation, it is within the definition set forth in subsection (a).
- **§53a-43 Fines for Violations**
  - Not to exceed \$500
  - In the case of a violation defined in any other section of the general statutes, if the amount of the fine is expressly specified in the section that defines the offense, the amount of the fine shall be fixed in accordance with such section.

### **Connecticut Misdemeanors: CONN. GEN. STAT. ANN. §§ 53a-36 Imprisonment for Misdemeanor; 53a-42 Fines for Misdemeanors**

- Class A—fine not to exceed \$2,000 or imprisonment not to exceed one year
- Class B—fine not to exceed \$1,000 or imprisonment not to exceed six months
- Class C—fine not to exceed \$500 or imprisonment not to exceed three months
- Class D—fine not to exceed \$250 or imprisonment not to exceed 30 days
- Unclassified—“an amount in accordance with the fine specified in the section of the general statutes that defines or provides the penalty for the crime” or “a term in accordance with the sentence specified in the section of the general statutes that defines or provides for the penalty for the crime”

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## Connecticut Felonies

- **CONN. GEN. STAT. ANN. § 53a-25 Felony: Definition, classification, designation**
  - An offense where a person is sentenced to a term of imprisonment in excess of one year is a felony
  - Felonies are classified as Class A, Class B, Class C, Class D, Class E, Unclassified, and Capital Felonies
  - Any offense defined in any section of the general statutes which, by virtue of an expressly specified sentence, is within the definition set forth in subsection (a) of this section, but for which a particular classification is not expressly designated, shall be deemed: (1) A class E felony if the maximum term of imprisonment specified is in excess of one year but not more than three years; or (2) an unclassified felony if the maximum term of imprisonment is otherwise within the definition set forth in subsection (a) of this section.
- **CONN. GEN. STAT. ANN. § 53a-35 Imprisonment for Felony Committed Prior to July 1, 1981**
  - (a) For any felony committed prior to July 1, 1981, the sentence of imprisonment *shall be an indeterminate sentence*, except as provided in subsection (d). When such a sentence is imposed the court shall impose a maximum term in accordance with the provisions of subsection (b) and the minimum term shall be as provided in subsection (c) or (d).
  - (b) **The maximum term of an indeterminate sentence shall be fixed by the court and specified in the sentence as follows:**
    - (1) For a class A felony, life imprisonment;
    - (2) for a class B felony, a term not to exceed twenty years;
    - (3) for a class C felony, a term not to exceed ten years;
    - (4) for a class D felony, a term not to exceed five years;
    - (5) for an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines the crime; and
    - (6) for a capital felony, life imprisonment unless a sentence of death is imposed in accordance with section 53a-46a.
  - (c) Except as provided in subsection (d) the minimum term of an indeterminate sentence shall be fixed by the court and specified in the sentence as follows:
    - (1) For a class A felony, the minimum term shall not be less than ten nor more than twenty-five years;
    - (2) for a class B, C or D felony the court may fix a minimum term of not less than one year nor more than one-half of the maximum term imposed, except that (A) where the maximum is less than three years the minimum term may be more than one-half the maximum term imposed or (B) when a person is found guilty under section 53a-59(a)(1), section 53a-59a, 53a-101(a)(1) or 53a-134(a)(2), the minimum term shall be not less than five years and such sentence shall not be suspended or reduced, or when a person is found guilty under section 53a-60c, the minimum term shall be not less than three years and such sentence shall not be suspended or reduced, or when a person is found guilty under section 53a-60b, the minimum term shall be not less than two years and such sentence shall not be suspended or reduced;
    - (3) for an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines the crime.
  - (d) Notwithstanding the provisions of subsections (a) and (c), except as provided in subdivision (2) of said subsection (c), when a person is sentenced for a class C or D felony or for an unclassified felony, the maximum sentence for which does not exceed ten years, the court may impose a definite sentence of imprisonment and fix a term of one year or less; except when a person is found guilty under sections 53a-55a, 53a-56a, 53a-60a, 53a-70a, 53a-72b, 53a-92a, 53a-94a, 53a-102a and 53a-103a, the court shall not fix a term of less than one year.
- **CONN. GEN. STAT. ANN. § 53a-35 Imprisonment for Felony Committed on or After July 1, 1981**
  - For any felony committed on or after July 1, 1981, the sentence of imprisonment *shall be a definite sentence* and, unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise, the term shall be fixed by the court as follows:
    - (1) (A) For a capital felony committed prior to April 25, 2012, under the provisions of section 53a-54b in effect prior to April 25, 2012, a term of life imprisonment without the possibility of release unless a sentence of death is imposed in accordance with section 53a-46a, or (B) for the class A felony of murder with special circumstances committed on or after April 25, 2012, under the provisions of section 53a-54b in effect on or after April 25, 2012, a term of life imprisonment without the possibility of release;
    - (2) For the class A felony of murder, a term not less than twenty-five years nor more than life;
    - (3) For the class A felony of aggravated sexual assault of a minor under section 53a-70c, a term not less than twenty-five years or more than fifty years;

**Note:** This chart does not analyze what effect the petty offense exception may have on a conviction that is determined to be a CIMT nor whether the offense meets any minimum sentence requirement.

# **SEX OFFENSES CONNECTICUT CRIMES CHART**

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- (4) For a class A felony other than an offense specified in subdivision (2) or (3) of this section, a term not less than ten years nor more than twenty-five years;
- (5) For the class B felony of manslaughter in the first degree with a firearm under section 53a-55a, a term not less than five years nor more than forty years;
- (6) For a class B felony other than manslaughter in the first degree with a firearm under section 53a-55a, a term not less than one year nor more than twenty years;
- (7) For a class C felony, a term not less than one year nor more than ten years;
- (8) For a class D felony, a term not more than five years;
- (9) For a class E felony, a term not more than three years; and
- (10) For an unclassified felony, a term in accordance with the sentence specified in the section of the general statutes that defines or provides the penalty for the crime.

- **CONN. GEN. STAT. ANN. § 53a-41 Fines for Felonies**
  - A fine for the conviction of a felony shall, unless the section of the general statutes that defines or provides the penalty for the crime specifically provides otherwise, be fixed by the court as follows:
    - (1) For a class A felony, an amount not to exceed twenty thousand dollars;
    - (2) for a class B felony, an amount not to exceed fifteen thousand dollars;
    - (3) for a class C felony, an amount not to exceed ten thousand dollars;
    - (4) for a class D felony, an amount not to exceed five thousand dollars;
    - (5) for a class E felony, an amount not to exceed three thousand five hundred dollars; and
    - (6) for an unclassified felony, an amount in accordance with the fine specified in the section of the general statutes that defines or provides the penalty for the crime.

## **GENERIC OFFENSES**

### **“CRIME INVOLVING MORAL TURPITUDE (CIMT)”**

- The Second Circuit has adopted the BIA’s definition of a CIMT, as conduct which is inherently base, vile, or depraved, and contrary to the accepted rules of morality and the duties owed between persons, or the duties owed to society in general. *See Mendez v. Mukasey*, 547 F.3d 345, 347 (2d Cir. 2008).

### **“AGGRAVATED FELONY CRIME OF VIOLENCE” (“COV”) INA §§ 237(a)(2)(A)(iii), 101(a)(43)(F)**

- Includes any COV as defined in 18 U.S.C. § 16 (not including a purely political offense) for which the term of imprisonment imposed (regardless of any suspension) is at least one year. Section 16 defines a COV in two parts, § 16(a) and § 16(b). Section 16(a) “any offense that has as an element the use of attempted use or threatened use of physical force against the person or property of another.” In April 2018, the Supreme Court ruled that § 16(b) as incorporated by INA § 101(a)(43)(F) is unconstitutionally vague. *See Sessions v. Dimaya*, No. 15-1498, ---S. Ct. ---, (April 17, 2018).
- “Under the plain language of § 16(a), one of the elements of a [COV] must be ‘the use, attempted use, or threatened use of physical force against the person or property of another.’” *Blake v. Gonzales*, 481 F.3d 152, 156 (2d Cir. 2007) quoting 18 U.S.C. §16(a) and *Chrzanoski v. Ashcroft*, 327 F.3d 188, 191 & n. 6 (2d Cir. 2003).

### **“AGGRAVATED FELONY RAPE” INA §§ 237(a)(2)(A)(iii), 101(a)(43)(A)**

- Term aggravated felony includes the murder, rape, or sexual abuse of a minor

### **“AGGRAVATED FELONY SEXUAL ABUSE OF A MINOR” INA §§ 237(a)(2)(A)(iii), 101(a)(43)(A)**

- Term aggravated felony includes the murder, rape, or sexual abuse of a minor

### **“AGGRAVATED FELONY RELATED TO PROSTITUTION” INA §§ 237(A)(2)(A)(III), 101(A)(43)(K)**

- An offense that—
  - (i) relates to the owning, controlling, managing, or supervising of a prostitution business;

**Note:** This chart does not analyze what effect the petty offense exception may have on a conviction that is determined to be a CIMT nor whether the offense meets any minimum sentence requirement.

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- (ii) is described in section 2421, 2422, 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution) if committed for commercial advantage; or
- (iii) is described in any of sections 1581-1585 or 1588-1591 of title 18, United States Code (relating to peonage, slavery, involuntary servitude, and trafficking in persons)
- The BIA has held that the term “prostitution” is not limited to offenses involving sexual intercourse but is defined as engaging in, or agreeing or offering to engage in, sexual conduct for anything of value. *See Matter of Ding*, 27 I&N 295 (BIA 2018).
- The Second Circuit held that the plain language in INA § 101(a)(43)(K)(i) “limits the statute’s reach to crimes associated with prostitution, not crimes associated with other proscribed conduct.” *Prus v. Holder*, 660 F.3d 144, 148 (2d Cir. 2011). In Prus, the Second Circuit held that New York defined “prostitution” more broadly than the federal definition because the Federal definition only includes the “sexual intercourse.” *See id.*

### **“DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE” INA § 237(a)(2)(E)(i)**

- A crime is a crime of domestic violence if it (1) is a COV as defined by 18 U.S.C. § 16 and (2) the victim was a “protected person” within the meaning of 8 U.S.C. § 1227(a)(2)(E)(i). *See U.S. v. Castleman*, 134 S.Ct. 1405, n.4 (2014).
- “Any alien who at any time after admission is convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is deportable. For the purposes of this clause, the term ‘crime of domestic violence’ means any crime of violence (as defined in section 18 of title 18 of the United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual’s acts under the domestic or family violence laws of the United States...”

### **“CERTAIN FIREARMS OFFENSES” INA § 237(a)(2)(C)**

- “Any alien who at any time after admission is convicted under any law of purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 912(a) of title 18, United States Code) in violation of any law is deportable.”

**Note:** This chart does not analyze what effect the petty offense exception may have on a conviction that is determined to be a CIMT nor whether the offense meets any minimum sentence requirement.